THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.23204 of 2007

Between:

Bandrapalli Jacob.

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PETITIONER

and

The District Collector, Krishna and others.

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RESPONDENTS

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WRIT PETITION No.23204 of 2007

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ORDER:

Petitioner seeks a Writ of Mandamus to direct the 1st respondent to consider and dispose of the representation of the petitioner, dated 27-01-2007, for restoration of the assigned land admeasuring Ac.0-19 cents in R.S.No.194/1 situated at Krishnapuram Village, Pamidimukkala Mandal, Krishna District.

It is the case of the petitioner that he was assigned the land admeasuring Ac.0-42 cents in Rs.No.194/1 situated at Krishnapuram Village, Pamidimukkala Mandal, Krishna District, on 28-11-2002. The Revenue Divisional Officer, Nuzividu-2nd respondent through proceedings in RCA No.565/2005, dated 12-05-2005, cancelled D-Form Patta granted in favour of the petitioner in respect of the entire land admeasuring Ac.0-42 cents. Aggrieved by the said order, the petitioner filed an appeal before the Joint Collector and the Joint Collector through order, dated 07-06-2006 in proceedings No.E3/3697/05, modified the order of the Revenue Divisional Officer, dated 12-05-2005, stating that as the conditions of the assignment have been violated in respect of only Ac.0-19 cents, which has been leased out on rental basis to Wine Shop, Fancy shop, Hair Cutting Saloon and Tea Shop by converting the agricultural land into non-agricultural land and accordingly, ordered for resumption of the land admeasuring Ac.0-19 cents only permitting to retain the land admeasuring Ac.0-23 cents, which was under cultivation of the petitioner. Aggrieved by the said order of the Joint Collector, the petitioner filed further appeal before the Commissioner of Appeals and the Commissioner of Appeal through CCLA's proceedings No.BCW5/392/2006, dated 05-01-2007, dismissed the appeal confirming the order of the Joint Collector.

It is further stated that as per the provisions of Section 4 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"), the original assignee is entitled for restoration of the land.

On the other hand, learned Government Pleader for Revenue appearing for the respondents submits that the petitioner violated the

conditions of the assignment. Even, under Sub-Section (1) of Section 3 of the Act, the land, which is assigned for cultivation, shall not be used for any other purpose. Further, under Sub-Section (2) of Section 3 of the Act, the land assigned to the landless poor shall not alienated in any manner. For contravention of sub-section (1) and sub-section (2) of Section 3 of the Act, it is open for the revenue authorities to cancel the assignments.

In the instant case, admittedly, the Revenue Divisional Officer ordered for resumption of the entire land admeasuring Ac.0-42 cents. But, the Joint Collector having considered the contravention in respect of the land only admeasuring Ac.0-19 cents, ordered for resumption of the land admeasuring Ac.0-19 cents only. As the land admeasuring Ac.0-19 cents has been leased out on rental basis to Wine Shop, Fancy shop, Hair Cutting Saloon and Tea Shop by converting the agricultural land into non-agricultural land, I am of the opinion that the Joint Collector rightly ordered for resumption of the land admeasuring Ac.0-19 cents only and the same was also confirmed by the Commissioner of Appeals.

In view of the above facts and circumstances of the case and in view of the concurrent findings recorded by the Joint Collector as well as the Commissioner of Appeals, I am of the opinion that the petitioner is not entitled for any relief as claimed in the writ petition. Therefore, the writ petition does not find any merit and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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02-11-2007

Prv